FILED

AUG 25 2008

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

AUSA KLD

UNITED STATES OF AMERICA

SOUTHERN DISTRICT OF CALIFORNIA '08 MJ 8772

UNITED STATES OF AMERICA Plaintiff, v. Mateo DIAZ-Gomez Defendant.	Magistrate Case No.: COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Sec., 1326 Attempted Entry After Being Ordered Deported/Removed

The undersigned complainant, being duly sworn, states:

On August 21, 2008, within the Southern District of California, the defendant, Mateo DIAZ-Gomez an alien, who previously had been excluded, deported and removed from the United States to Mexico, attempted to enter the United States with the purpose, i.e., conscious desire, to enter the United States at the Calexico Port of Entry without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached probable cause statement which is incorporated herein by reference.

Merced E. Hernandez, CBP
Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS DATES 25th DAY OF August, 2008.

Peter C. Lewis
UNITED STATES MAGISTRATE JUDGE

UNITED STATES OF AMERICA
v
Mateo DIAZ Gomez

PROBABLE CAUSE STATEMENT

I, Customs and Border Protection Enforcement Officer Merced E. Hernandez, declare under penalty of perjury, the following is true and correct:

On August 21, 2008, at approximately 11:45 P.M., Mateo DIAZ-Gomez the defendant arrived at the Calexico West Port of Entry in Calexico, California through the pedestrian inspectional lanes. Defendant applied for entry into the United States by presenting a Lawful Permanent Resident Card in the name of Valentin Espinal Renteria. CBP Officer Lopez Silva Suspected fraud and escorted the defendant to the Pedestrian Secondary Office for further inspection.

In the Pedestrian Secondary Office, records checks revealed the defendant had been previously been deported. DIAZ-Gomez is an alien, native and citizen of Mexico with no legal documents to enter, pass through, reside or be employed in the United States.

DIAZ-Gomez was advised of his rights as per Miranda. DIAZ-Gomez stated he understood his rights and was willing to answer questions without the presence of an attorney. DIAZ-Gomez stated he had no document to legally reside in the United States. DIAZ-Gomez admitted previously being deported.

Records indicate DIAZ-Gomez was last deported on July 19, 2001 via the Calexico West Port of Entry. Immigration records indicate DIAZ-Gomez has not applied for or obtained the authorization of the Attorney General of the United States or the Secretary of the Department of Homeland Security to reapply for admission to enter the United States.

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UNITED STATES OF AMERICA
v
Mateo DIAZ-Gomez

Executed on August 22, 2008, at approximately 05:00 P.M

Merced E. Hernandez, CBP
CBP Enforcement Officer

On the basis of the facts presented in the probable cause statement consisting of one page, I find probable cause to believe that the defendant named in this probable cause statement committed the offense on June 27, 2008 in the violation of Title 8, United States Code, § 1326.

HON. Peter C. Lewis
United States Magistrate Judge

8-22-08 @ 10:17 pm
Date and Time